

REMARKS

The Applicants appreciate the Examiner's thorough examination of the subject application and request reconsideration of the subject application based on the following remarks.

Claims 1 and 2 have been cancelled without prejudice to Applicants right to pursue the subject matter of the cancelled claims in this or a subsequent application. Claims 3, 4, 9, 30, and 42 have been amended. No new matter has been added by the claim amendments. Support for the amendment to claims can be found in the claims as originally filed and throughout the specification.

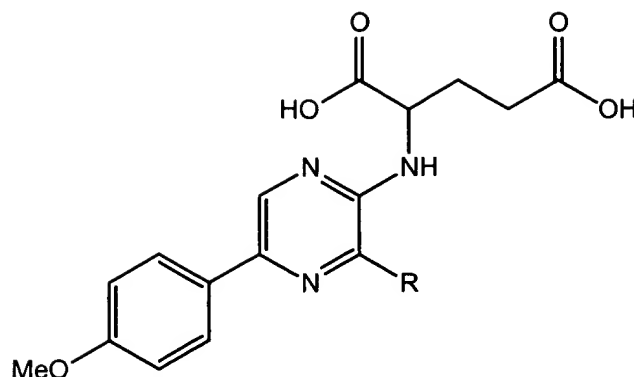
Copies of the documents which correspond to Chem. Abstract 128:244282 and Chem abstract 100:5477, i.e., Teranishi and Hamazaki are enclosed for consideration by the Examiner together with the following remarks.

Claims 1-8 were rejected under 35 U.S.C. 102(b) as being allegedly anticipated by Teranishi et al. (Chem. Abstract 128:244282, which corresponds to JP 10-77286, a copy of which is enclosed) and compounds having registry numbers 204770-58-1 and 204770-62-7.

The rejection is traversed.

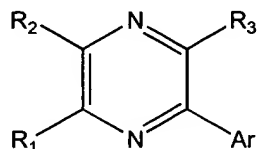
As the reference is understood, Teranishi teaches a series of bicyclic compounds, e.g., 7-*H*-imidazo[1,2,*a*]pyrazine-3-one compounds, and precursors to making same.

More particularly, Teranishi teaches formation of the bicyclic compounds by cyclization of compounds of the formula:



wherein R is hydrogen or benzyl.

In contrast, claim 3, as amended, provide compounds of the formula:



in which

R_2 is XR_A or Y and wherein

Y is a cyclic group as that group is defined in the claim language;

X may be selected, from the Markush group, to be -NH-; and

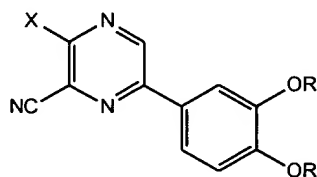
R_A is selected at each occurrence from the group consisting of: hydrogen and straight, branched, or cyclic alkyl groups consisting of 1 to 8 carbon atoms, which may contain one or more double or triple bonds, each of which may be further substituted with one or more substituent(s) selected from oxo, hydroxy, halogen, -O(C₁₋₄ alkyl), -NH(C₁₋₄ alkyl), -N(C₁₋₄ alkyl)(C₁₋₄ alkyl), -NHC(O)(C₁₋₄ alkyl), -N(C₁₋₄ alkyl)C(=O)(C₁₋₄ alkyl), -NHS(O)_n(C₁₋₄ alkyl), -S(O)_n(C₁₋₄ alkyl), -S(O)_nNH(C₁₋₄ alkyl), -S(O)_nN(C₁₋₄ alkyl)(C₁₋₄ alkyl), and Z;

Carboxylic acid substituted alkyl groups, e.g., alkyl group substituted with one or more carboxylic acid (-COOH) groups, are not included within the Markush group language of R_A in claim 3.

Thus the glutamic acid derivatives recited by Teranishi do not satisfy claim 3. Therefore claim 3 is patentable over Teranishi. Claims 4-8 depend from claim 3, and are therefore also patentable over Teranishi.

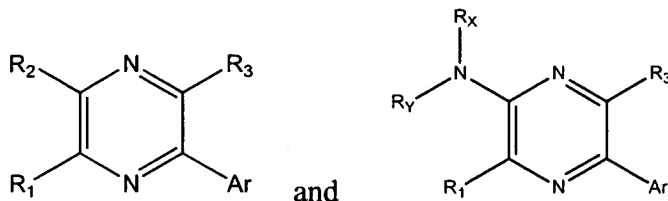
Claims 1-10 were rejected under 35 U.S.C. §102(b) as being anticipated by Chem abstract 100:5477, which corresponds to Hamazaki, et al. *Bulletin of Science and Engineering Research Laboratory Waseda University*, No. 103, (1983) pp 35-38, a copy of which is enclosed for the Examiner's consideration.

As the reference is understood, Hamazaki teaches compounds of the formula:



wherein X is hydrogen, cyano, or diethylamino.

In contrast, claims 3 and 9, as amended, provide compounds of the formulae:



in which, -CN is excluded from R_1 .

Thus claims 3 and 9 are patentable over Hamazaki. Claims 3-8 and 10 depend from either claim 3 or claim 9 and are therefore also patentable over Hamazaki.

Applicants respectfully request reconsideration of claims 11-26, 30, 42-130, 133-146, 154, 155, and 162. None of the prior art relied upon by the Examiner reads upon any of claims 3-10, as presently amended. As provided by MPEP 803.02, reexamination of the amended Markush-type claim is proper after the claims have been amended to exclude species of a Markush group which is anticipated or rendered obvious by the prior art.

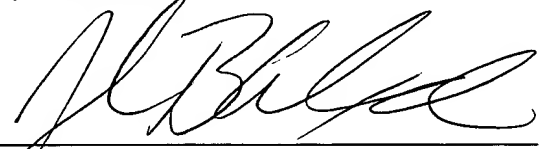
It is respectfully submitted that the subject application is in a condition for allowance. Early and favorable action is requested.

Applicants believe that additional fees are not required for consideration of the within Amendment. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. 04-1105.

Respectfully submitted,

Date: August 11, 2003

By:


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